REMARKS

In response to the Office Action dated June 3, 2010 (hereinafter "the Office Action"), claims 1, 4, 22, 23, 25-37, and 39-41 are pending. Claims 1, 4, 22, 23, 25 – 27, 35, 36, 37, 39, 40 and 41 have been amended. Claims 5-10, 12 and 14-21 have been cancelled. No new matter has been introduced. Reexamination and reconsideration of the present application are respectfully requested.

In the June 3, 2010 Office Action, the Examiner rejected claims 1, 4-10, 12, 14-16, 21-23, 25-30 and 34-37 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 7,032,177 to Novak et al. ("Novak"). The Examiner rejected claims 9 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Novak in view of the Examiner taking Official Notice that it was well-known in the art to store audio as an MP3 file. The Examiner rejected claims 17, 19-20, 32 and 39-41 under 35 U.S.C. § 103(a) as being unpatentable over Novak in view of U.S. Patent No. 5,436,653 to Ellis et al. ("Ellis"). The Examiner rejected claims 18 and 33 under 35 U.S.C. § 103(a) as being unpatentable over Novak in view of Ellis and further in view of it being well known in the art to include a video frame represented by a two-dimensional fast fourier transform and an audio frame represented by a one-dimensional fast fourier transform. The applicants respectfully traverse this rejection with respect to the presently pending claims.

The Examiner states that Novak discloses the limitations of claim 22. (Office Action, page 9). Novak does not disclose, teach or suggest the editing platform computer of claim 22, as amended. First, applicants note that Novak is disclosing only transferring of bookmarks (which is more applicable to the analysis data recited in claim 22). Further, the Examiner states that Novak discloses the prior pending limitation of

"directing the home media server to search, bid for, obtain rights to schedule and manage the recording of" media content because it discloses that that a media program may be downloaded from a server, such as a video-on-demand server. The Examiner further states that since it is well known that VoD content comprises pay-per-view content, the system therefore bids and obtains rights to on-demand media content. *(Office Action, page 2)*. The applicants have clarified the invention by identifying that the editing workstation **generates downloadable instructions, the downloadable instructions configured to request a server to automatically search, bid for, obtain rights to and obtain media content associated with the edited video program**. Novak does not disclose this highlighted limitation. Novak discloses only that bookmarks are sent from editing device to the playback device and in fact, explicitly states that the playback device independently records a program from a storage medium. *(Novak, col. 2, lines 59-63; col. 10, lines 30-34; col. 12, lines 27-34)*. There is no disclosure in Novak that the editing device also generates (and later transmits) downloadable instructions that are configured to request that the server automatically obtains content that is associated with the edited program.

Further, Novak does not disclose **generating an edited set of data corresponding to editing steps for assembly of the edited video program**, as is recited in claim 22, as amended. As was discussed above, Novak discloses only generating bookmarks defining each designated excerpt. A bookmark may define a beginning point and/or an end point of an excerpt. The bookmarks may include time or positional indexes and are relatively small in size compared to the video program. *(Novak, col. 3, lines 20-25)*. The bookmark may include a time index, a frame index, an

offset, a chapter reference, a scene reference or other indicator of position within the media program. The bookmark may also be a directive to a playback device to begin playback at a particular location within the media program. *(Novak, col. 2, lines 45-52)*. However, there is no disclosure that the Novak reference generates an edited set of data corresponding to editing steps for assembly of the edited video program (or that it transmits this edited set of data to the media server). Accordingly, claim 22, as amended, further distinguishes over the Novak reference.

The Examiner utilizes Ellis to disclose a method for recognition of broadcast segments. *(Office Action, page 12)*. Assuming, arguendo, that Ellis discloses all the Examiner states that it does, Ellis does not disclose the above-highlighted limitations of claim 22. Accordingly, applicants respectfully submit that claim 22, as amended, distinguishes over Novak and Ellis, alone or in combination.

Claims 23, and 25-35 depend, directly or indirectly, on claim 22, as amended. Accordingly, applicants respectfully submit that claims 23 and 35-35 distinguish over Novak and Ellis for the same reasons as those discussed above in regard to claim 22.

Claim 36 also distinguishes over Novak. Claim 36, as amended, recites:

A home media server, comprising:
a storage medium; and
machine-readable code, stored on the storage medium, having instructions to
**receive downloadable instructions, an edited set of data and the analysis data from a media producer, the downloadable instructions configured to request a server to search, bid for, obtain rights to and obtain media content associated with an edited video program, the edited set of data corresponding to editing steps for assembly of the edited video program, and the analysis data corresponding to the endpoint frames of each segment used to create edited video program; and
emulate assembly of the edited program using the media content obtained utilizing the downloadable instructions files and the edited set of data.**

Examiner states that Novak discloses the media server of claim 36, as amended.

(Office Action, page 10). The applicants respectfully disagree. Novak does not disclose the home media server of claim 36. Novak does not disclose that the home media server receives downloadable instructions that request that the **home media server obtain media content** nor does it disclose that the **home media server receives a set of edited data corresponding to editing steps for assembly of the edited video program**, both of which are recited in claim 36. As noted above with respect to claim 22, Novak is disclosing only that bookmarks are received by the playback device and that the playback device can independently download media content, but this is not the same as the limitations of claim 36. Further, Novak does not the use of the set of edited data to emulate the assembly of the media program using the obtained media content and the set of edited data, as is recited in claim 36, as amended. As is clearly illustrated in Fig. 14 of Novak, the playback device receives the bookmarks, accesses the media program that is at the playback device and presents the personalize edition of the media program by reference to the received bookmarks. Accordingly, applicants respectfully submit that claim 36, as amended, distinguishes over Novak.

The Examiner utilizes Ellis to disclose a method for recognition of broadcast segments. *(Office Action, page 12)*. Assuming, *arguendo*, that Ellis discloses all the Examiner states that it does, Ellis does not disclose the above-highlighted limitations of claim 36. Accordingly, applicants respectfully submit that claim 36, as amended, distinguishes over Novak and Ellis, alone or in combination.

Claims 37, 39, 40 and 41 depend, directly or indirectly, on claim 36, as amended. Accordingly, applicants respectfully submit that claims 37, 39, 40 and 41 distinguish over Novak and Ellis for the same reasons as those discussed above in regard to
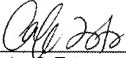
claims 22 and 36.

Claim 1, as amended, recites similar limitations as claims 22 and 36. Claim 4 is dependent on claim 1. Accordingly, applicants respectfully submit that claims 1 and 4 distinguish over Novak and Ellis for the same reasons as those discussed above in regard to claims 22 and 36.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference call would advance prosecution of the application.

Respectfully submitted,
PILLSBURY WINTHROP SHAW PITTMAN

Date: November 3, 2010

By:

Carolyn S. Toto
Registration No. 56,817
Attorney for Applicant

725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033

601313404v1